

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
CORTEZ ANDERSON,)
Defendant.)
Criminal Action No.
13-00289-01-CR-W-HFS

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on February 7, 2014. Defendant Cortez Anderson appeared in person and with Acting Federal Public Defender Steve Moss. The United States of America appeared by Assistant United States Attorney Bruce Clark.

I. BACKGROUND

On August 13, 2013, an indictment was returned charging defendant with one count of carjacking, in violation of 18 U.S.C. § 2119; one count of using a firearm during a crime of violence, in violation of 18 U.S.C. § 924(c); and one count of possessing a firearm after having been convicted of a felony, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Clark announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Detective Chris Gills, Kansas City, Missouri, Police Department.

Mr. Moss announced that he will be the trial counsel for defendant Cortez Anderson. Eimee Edington, paralegal, will assist.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Mr. Clark announced that the government intends to call 8 witnesses with stipulations during the trial.

Mr. Moss announced that defendant Cortez Anderson intends to call 1 witness during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Mr. Clark announced that the government will offer approximately 30-35 exhibits in evidence during the trial.

Mr. Moss announced that defendant Cortez Anderson will offer approximately 10 exhibits in evidence during the trial.

VI. DEFENSES

Mr. Moss announced that defendant Cortez Anderson will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Moss stated this case is probably not for trial.

VIII. STIPULATIONS

Stipulations are likely as to prior felony conviction, interstate nexus of firearm, and interstate transportation of vehicle.

IX. TRIAL TIME

Counsel were in agreement that this case will take 2 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed January 30, 2014, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by February 7, 2014;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, February 12, 2014;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Wednesday, February 12, 2014. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. Questions of law will be raised regarding dash cam video and transcript, an instruction on flight, and providing false information as consciousness of guilt.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on February 18, 2014.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
February 7, 2014

¹Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the forthcoming trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by Friday, February 14, 2014. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.